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Growth Management Element

of the

City of Newport Beach General Plan

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Growth Management Element

A. STATEMENT OF PURPOSE AND INTENT

The purpose and intent of this Element is to mandate that growth and development shall be based upon the City's ability to provide an adequate circulation system pursuant to the Orange County Division, League of California Cities "Countywide Traffic Improvement and Growth Management Plan Component."

B. INTRODUCTION

1. OVERVIEW

The Growth Management Element (GME) contains policies for the planning and provision of traffic improvements that are necessary for orderly growth and development. Presented in this Element are policies and programs for the establishment of specific traffic level of service (LOS) standards, development mitigation, and development phasing. In addition, this Element includes an implementation program for annual monitoring.

The GME is divided into six sections. Section A provides a statement of purpose and intent for the Element. Section B provides an overview of the Element and includes discussion regarding General Plan consistency and Element implementation. Section C provides definitions for terms utilized in the Element. Goals, objectives and policies for the GME are provided in Sections D and E. Section F includes a discussion of implementation programs for achieving the goals and objectives of the GME.

2. CONSISTENCY WITH OTHER GENERAL PLAN ELEMENTS

A major goal of the Growth Management Element is to ensure that the planning, management and implementation of traffic improvements are adequate to meet the projected needs of the city. While this goal is a high priority, it must be achieved while maintaining internal consistency among the other elements of the General Plan as required by state law. Therefore, the GME does not replace or supersede any of the other General Plan elements; instead, the GME addresses, amplifies and supports land use policies and traffic LOS standards that are included in the other General Plan elements. The GME also serves as the primary resource document for City growth management policies. Although there is a certain amount of overlap among the General Plan elements, the GME serves a valuable function by collecting all City policies regarding growth management in one location.

The GME is implemented through various coordinated programs developed to support and carry out its goals, objectives and policies. In addition, this Element has been crafted to minimize duplication between Measure M and Congestion Management Program (CMP) requirements.

3. IMPLEMENTATION PROCESS

The GME provides the policy framework for the City's Growth Management efforts. These policies are implemented through the programs described in Section F. All privately-initiated land use element amendments, zone changes, and other discretionary projects considered after adoption of the Element will be specifically reviewed for consistency with GME policies. In addition, the City will implement the GME through its land use and circulation system planning and Capital Improvement Program.

4. RELATIONSHIP TO STATE AND FEDERAL HIGHWAY SYSTEM

While the GME addresses the need for the phasing of arterial highway improvements, it is recognized that the federal and state highway system is a significant component of the City's overall transportation system. State highways within the city include Coast Highway (SR 1), Newport Boulevard (SR 55), and the Corona del Mar Freeway and MacArthur Boulevard (SR 73). In addition, the San Diego Freeway (I-405) passes approximately one mile north of the city's northern boundary. These highways were designed primarily to serve inter-regional transportation needs, and they are currently experiencing severe congestion due to insufficient capacity. As a result, an increasing number of drivers are using the arterial network as an alternate to the congested freeway system. Within Newport Beach, Coast Highway, which was originally planned as a state freeway, is particularly impacted by spillover traffic as drivers traveling between south Orange County and northern Orange County or Los Angeles County seek to avoid congestion on the San Diego Freeway.

C. DEFINITIONS

For the purpose of this Element, the following definitions will be utilized:

1. *Capital Improvement Program (CIP)* shall mean a listing of capital projects needed to meet, maintain and improve a jurisdiction's adopted Traffic Level of Service Standards. The CIP shall include approved projects and an analysis of the costs of the proposed projects as well as a financial plan for providing the improvements.

2. *Comprehensive Phasing Program (CPP)* shall mean a road improvement and financing plan which responds to the level of service requirements in this

Element. With regard to road improvements, a CPP must include level of service requirements and take into account measurable traffic impacts on the circulation system. The CPP is implemented through the City's Traffic Phasing Ordinance (NBMC Chapter 15.40) and the Capital Improvement Program.

3. *Critical Movement* shall mean any of the conflicting through or turning movements at an intersection which determine the allocation of green signal time.

4. *Development Phasing Program* shall mean a program which establishes the requirement that building and grading permits shall be approved or issued in a manner that assures implementation of required transportation and public facilities improvements. The City shall specify the order of improvements and the phasing of development based, at a minimum, on mitigation measures adopted in conjunction with environmental documentation and other relevant factors. The Traffic Phasing Ordinance provides the administrative mechanism for establishing development phasing programs.

5. *Deficient Intersection Fund* shall mean a trust fund established to implement necessary improvements to existing intersections which do not meet the Traffic Level of Service Policy.

6. *Deficient Intersection List* shall mean a list of intersections that: 1) do not meet the Traffic Level of Service Policy for reasons that are beyond the control of the City (e.g., ramp metering effects, traffic generated outside the City's jurisdiction, etc.); and, 2) are not brought into compliance with the LOS standard in the most current Seven-Year Capital Improvement Program. Additional intersections may be added by the City to the deficient intersection list only as result of conditions which are beyond the control of the City.

7. *Growth Management Areas (GMAs)* shall mean subregions of the County established by the City-County Coordination Committee (or successor) to promote inter-jurisdictional coordination in addressing infrastructure concerns and in implementing needed improvements.

8. *Growth Management Element* shall mean the Growth Management Element of the General Plan as required by the Revised Traffic Improvement and Growth Management Ordinance (Measure M).

9. *Local Transportation Authority* as currently designated by the Board of Supervisors shall mean the Orange County Transportation Authority.

10. *Measurable Traffic* shall mean a traffic volume resulting in a 1% increase in the sum of the critical movements at an intersection.

11. All other terms shall be as defined in the Zoning Code as of the date of adoption of this Element.

D. GOALS AND OBJECTIVES

The goals of this Element are to reduce traffic congestion and ensure that adequate transportation facilities are provided for existing and future residents of the city. These goals shall be accomplished through implementation of the policies and programs set forth in this Element.

Achievement of these goals shall be measured by the following objectives.

1. TRANSPORTATION: The circulation system shall be implemented in a manner designed to achieve the established Traffic Level of Service Policy.

2. DEVELOPMENT PHASING: Development shall be phased in a manner consistent with the Traffic Phasing Ordinance and any applicable Comprehensive Phasing Program.

These goals and objectives are consistent with the Circulation Element, which contains the following statement:

> *The basic objective is the construction of public transportation facilities which, in conjunction with programs to reduce peak hour traffic, will accommodate vehicular traffic generated by land use within the City of Newport Beach at acceptable levels of service; to reduce, to the extent possible, the impact of summer visitor and tourist travel along Balboa Peninsula, on Balboa Island, and West Newport, and provide a safe, convenient and enjoyable system of bikeways that meet the needs of all cyclists.*

E. POLICIES

1. TRAFFIC LEVEL OF SERVICE

It is the policy of the City that necessary improvements to transportation facilities to which the project contributes measurable traffic, shall be constructed and completed to attain Level of Service (LOS) D at the intersections under the sole control of the City within the timeframes established by the Traffic Phasing Ordinance.

Intersections exempt from this policy include facilities under the jurisdiction of another city or the state, or those included on the Deficient Intersection List established pursuant to this Element. However, it is the policy of the City that all development will be assessed a mitigation fee as required by the Fair Share Traffic Contribution Ordinance (NBMC Chapter 15.38) and the Traffic Phasing Ordinance.

Achievement of the adopted level of service standard and implementation of required transportation improvements shall take into consideration extraordinary transportation circumstances which may impact identified intersections and/or timing of the required improvements. An example of an extraordinary circumstance would be when arterial roadways serve as temporary alternate routes (thus impacting LOS performance) while planning and construction of freeway improvements are underway.

Level of service (LOS) will be measured by the Traffic Phasing Ordinance and Newport Beach City Council Policy S-1 (Administrative Procedures for Implementing the Traffic Phasing Ordinance), which are consistent with the Traffic Level of Service Policy Implementation Manual established by the Local Transportation Authority.

2. DEVELOPMENT MITIGATION

It is the policy of the City that all new development shall pay its fair share of the costs associated with that development, including regional traffic mitigation. This policy is implemented through the Fair Share Traffic Contribution Ordinance and the Fair Share Resolution. This ordinance and accompanying resolution determine the total unfunded cost of completing the City's Master Plan of Streets and Highways (i.e., the total cost less anticipated revenues from other governmental entities, City revenues earmarked for roadway construction, and projects required to be funded by private developers in conjunction with approved development projects) and allocate this cost to future developments based on established traffic generation rates.

It is the policy of the City to work with other jurisdictions through Inter-Jurisdictional Planning Forums (see Policy 4) to determine minimally acceptable impact fee levels for application within the GMA.

It is the policy of the City that new Measure M sales tax revenues shall not be used to replace private developer funding which has been committed for any project or normal subdivision obligations.

3. DEVELOPMENT PHASING

It is the policy of the City that development shall be phased in accordance with Circulation Element policies, the requirements of the Traffic Phasing Ordinance, and the City's Capital Improvement Program. It is the intent of this policy that all development proposals shall contain a development phasing plan which establishes an overall build-out development limit which can be supported by implementation of the planned infrastructure system, as well as a phasing allocation of development commensurate with roadway capacities, where appropriate.

4. INTER-JURISDICTIONAL PLANNING FORUMS

It is the policy of the City to participate in inter-jurisdictional planning forums at the GMA level to discuss developments with multi-jurisdictional impacts and appropriate mitigation measures.

5. CAPITAL IMPROVEMENT PROGRAM

A Capital Improvement Program shall be established to meet and maintain the adopted traffic level of service standards. The CIP shall be consistent with Measure M and state Congestion Management Program requirements.

6. BALANCED LAND USE

It is the policy of the City to foster balanced land use as a means of creating opportunities for people to live, work, shop, and play within the same general area, thereby reducing demands on the circulation system. This policy is consistent with Policy A of the Land Use Element, which states:

> *The City shall provide for sufficient diversity of land uses so that schools, employment, recreation areas, public facilities, churches and neighborhood shopping centers are in close proximity to each resident of the community.*

7. TRANSPORTATION DEMAND MANAGEMENT (TDM)

It is the policy of the City to promote traffic reduction strategies through TDM measures, as required by the Transportation Demand Management Ordinance (N.B.M.C. Chapter 20.08).

F. IMPLEMENTATION PROGRAMS

1. **Development Mitigation Program**: The purpose of the Development Mitigation Program is to ensure that all new development pays its share of the costs associated with providing the road improvements needed to serve that development. This program is implemented through the City's Fair Share Traffic Contribution Ordinance and the Traffic Phasing Ordinance. The City will continue to coordinate with other jurisdictions within the GMA regarding appropriate impact fees.

2. **Comprehensive Phasing Program**: The Comprehensive Phasing Program is implemented through the Traffic Phasing Ordinance and Council Policy S-1 (Administrative Procedures for Implementing the Traffic Phasing Ordinance). The TPO is designed to permit major new development only where adequate

transportation facilities exist, are being implemented, or will be installed in conjunction with the development.

3. **Performance Monitoring Program:** This program will ensure that required road improvements or funding are actually provided in order for development to continue. If the improvements/funding are not provided, development shall be deferred until compliance with the provisions of this program are achieved.

   In addition, the Performance Monitoring Program will provide an annual evaluation of the maintenance of transportation service levels. Annual traffic reports provided under this program shall utilize data collected within six months of preparation of the report but not within the time period of June through August and November 15 through January 5. In the event that the Performance Monitoring Program identifies one or more service level deficiencies, measures shall be implemented to correct identified deficiencies.

4. **Traffic Improvement/Public Facilities Development Agreements:** In the event the financing and implementation provisions of this Element are implemented through subsequent, legally valid Traffic Improvement/Public Facilities Development Agreements, these agreements shall be consistent with this Element and its implementing ordinances, plans and programs.

5. **GMA/Inter-Jurisdictional Planning Forum:** The City will continue to participate in the Inter-Jurisdictional Planning Forum for the Growth Management Area to review developments and circulation system improvements that affect multiple agencies.

6. **Capital Improvement Program:** The City will continue to maintain a Capital Improvement Program consistent with the requirements of Measure M and the state Congestion Management Program.

7. **Transportation Demand Management (TDM) Ordinance:** The City will continue to enforce the provisions of the Transportation Demand Management Ordinance.

8. **Additional Implementation Programs:** Other implementing measures, as deemed necessary by the City to further the goals of this Element, may be established.

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